

REMARKS

This Amendment and the following remarks are provided to respond to the Examiners' office Action dated November 3, 2009, and the comments therein. It is evident that Applicant does not agree with the Examiner's interpretation and characterization of the cited references, in particular the Ramachandran reference. Notwithstanding, Applicant herein makes a bona fide attempt to reconcile the inventive aspects to be expressed and covered by the claims with the Examiner's perception and application of the prior art in order to advance the prosecution of the application. In part, the amendments are premised on the Examiner's contention that phrases such as: *"for accepting currency notes and issuing credits to the host processor to cause the dispensing of the commercial products"* were considered intended use language with no patentable weight. See Office Action at 3:11. While Applicants do not embrace the Examiner's contention, it is submitted that in amending elements of the claims that the Examiner "considered intended use language with no patentable weight" herein in a fashion that the elements describe features that the Examiner will consider to have patentable weight may resolve the impasse.

In addition, noting that the Examiner indicates that the action is final, to simplify the application and limit the issues that may be required in an appeal, Applicant has herein cancelled claims 28 and 31-33 without prejudice.

Response to Rejection

The Examiner ejected the previously presented claims under 35 U.S.C. §103 via proposed combinations of the ATM machines of Ramachandran, Katou or Graff, none of which are directed to vending machines that dispense non-monetary commercial products. The remaining claims in the application have now been amended to make clear that the contemplated device would be a customer service device or vending machine that dispenses non-monetary commercial products. In addition, the claims have been amended to reflect, for example with respect to claim 26, that the host processor contained in the housing of the vending machine is operative to determine whether a credit signal received from said note

validator represents sufficient tender to pay for a selected item to be vended and, if sufficient credits have been received, cause the dispensing of the selected commercial product, determine the difference between the amount represented by the credit signal and the cost of the vended item to determine the amount of change to be dispensed and generating a dispense change instruction directed to the note acceptor-dispenser validator system which is configured to accept the dispense change instruction and determine how the dispensing of notes by the note acceptor-dispenser and coins by the coin dispenser can be combined to dispense the appropriate amount of change as a combination of notes and coins.

This configuration of the host processor in a vending machine which controls the vending of non-monetary commercial items operating with a note acceptor-dispenser validator system in a fashion where the dispense change instruction is sent from the host processor to the note acceptor-dispenser validator system which makes the determination of the appropriate amount of notes and coins to dispense as change is not contemplated by any of the references or any reasonable combination of the references. As set forth in the claims, the host processor of the vending machine and the note acceptor-dispenser each carry out specific tasks to allow the vending of commercial products. The note acceptor-dispenser validator system is further detailed in the claims as including a number of features which allow for the authentication of currency to be used in the vending transaction and to dispense selected currency received back through the note acceptor-dispenser to a customer in the form of change. This combination of features had not been available in the vending machine market at the time of the present invention and there were no devices as suggested by the Examiner's proposed combination of the references, despite the fact that vending machines having bill acceptors have been in common use for many years, a reflection that the device of the present invention was not obvious despite the Examiner's contention.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of the amended claims. If the Examiner has any comments or questions with respect to the foregoing, he is invited to contact the undersigned counsel of record for the applicant. In the event that reconsideration is not granted, Applicant requests

entry of this amendment so as to place the application in better condition for appeal, with a reduced number of claims.

Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

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